

## Remarks

### REJECTIONS UNDER 35 U.S.C. 112

Claims 38-39 stand rejected under 35 U.S.C. §112, 2<sup>nd</sup> ¶, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Examiner noted a typo in the application wherein Claim 38 conflicts because the shanks in the second position are in two different locations. Applicant's have corrected this typo. No rationale was provided for the rejection of Claim 39. Applicants submit that Claim 39 is allowable as dependent from Claim 37 which is dependent from amended Claim 29.

### REJECTIONS UNDER 35 U.S.C. 102

Claims 29-37, 40-48 and 50-52 stand rejected under 35 U.S.C. §102(b) as being anticipated by Prior. The Examiner states that Prior discloses a fishing hook having a first shank *b* and a second shank *b'*, both having first and second ends. The Examiner further states that Prior shows a tensioner *a* disposed intermediate the first shank and the second shank at about the middle of the single piece of wire whereby the tensioner has a first state and a second state as shown in Figs. 1-2. The Examiner additionally states that Prior shows a latch *c* having a first latch position and a second latch position as shown Figs. 1-2 and whereby the latch is disposed about the first shank and releasably in communication with the second shank.

Applicants respectfully traverse the Examiners rejection on the basis that Prior discloses a fish hook whereby:

***the hooks do not cross each other, but stand a little apart, the advantage of this being that a slight pressure exerted at any point along their length will be sure to disengage the catch and spring the hooks, which will not be the case when the hooks are crossed.***

(See Prior, Lines 65-66). The hook taught by Prior teaches two hooks formed from a single piece of wire, whereby the hooks are not partially obscured. In fact, Prior teaches away from Applicants' invention by requiring that the "hooks do not cross each other". Applicants' invention on the other hand requires that the point 22a and point 22b are partially obscured by partially crossing points 22a and 22b when cocked or while the tensioner is in a first state. Prior's design (having the respective barbs outwardly opposing one another) exposes the hooks and causes them to become hooked or contact unintentional items such as algae, seaweeds, trees, rocks and the like. The two barbs in Prior are completely exposed in opposite directions. The Applicants respectfully traverses the Examiner's rejection based upon Applicants' Amendments set out above. The Applicants have amended Claim 29 and 50 to require that points 21 a and point 21b are at least partially crossed or "obscured thereby reducing the frequency in which point 22a or point 22b may become hooked or in direct contact with unintentional items such as algae, seaweed, trees, rocks and the like." (See Applicants' specification, Page 9, lines 13-15; Page 10, lines 17-19).

### **REJECTIONS UNDER 103**

Claims 38 and 49 stand rejected under 35 USC 103(a) as being unpatentable over Prior. Applicants request reconsideration of the rejection based upon the amendments set out above.

Accordingly, Applicants request reconsideration of the three basic criteria to establish a prima facie case of obviousness because Applicants believe the claims are not obvious and that the cited reference does not teach Applicants invention.

Examiner has stated that the level of skill in the art renders Applicants' invention obvious. Specifically, Examiner stated in reference to Claim 38 that it would have been obvious to one of ordinary skill in the art to imply crossed shanks in one position and

substantially parallel in another position since the function is the same and not stated problem is solved. The Examiner stated in reference to Claim 49 that Prior discloses spring steel wire, but does not disclose a composite material; however, it would have been obvious to employ a composite material since the selection of a known material is based on its suitability for the intended use.

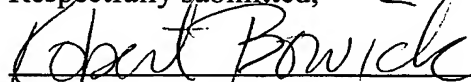
Applicants believe the claims as amended are not rendered obvious by the Prior. Accordingly, Applicants respectfully request the Examiner to reconsider the rejection in view of the amendments and argument.

#### CONCLUSION

Applicants extend thanks for the Examiner's kindness and suggestions. Further, Applicants believe the application is now patentable over the cited references and that all objections and rejections have been cured and overcome.

Dated: April 16, 2003

Respectfully submitted,



Robert M. Bowick

REG. NO. 46,569

THE MATTHEWS FIRM (Customer No. 021897)

1900 West Loop South - Suite 1800

Houston, Texas 77027-3214

Tel: (713) 355-4200

Fax: (713) 355-6589